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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,512	07/23/2003	Shinichi Kondo	Q76668	7418
23373 7590 05/09/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER MULLIS, JEFFREY C	
			ART UNIT 1711	PAPER NUMBER
			MAIL DATE 05/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/624,512

Applicant(s)

KONDO ET AL.

Examiner

Jeffrey C. Mullis

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1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3-2-07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

All remaining rejections follow.

Applicants certified translation has overcome the rejection relying on Mori.

Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oi et al (EP1 197 501), newly cited by applicants in view of Rodriguez et al. (US 6,221,967).

Oi discloses an adhesive or laminate which may include ethylene vinylcyclohexane copolymer (patent claim 5).

Rodriguez discloses modification of polyolefins to improve adhesion (column 1, lines 5-25) using a process identical to applicants except that the olefin polymer used is not applicants ethylene vinylcyclohexane polymer. Note Example 1 or 2 of the patent in this re.

While the primary reference does not disclose melt grafting of their polymer, use of the process of the secondary reference to melt graft the product of the primary reference would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention in the expectation of extending the benefit of improved adhesion from the primary to the secondary reference absent any showing of surprising or unexpected results.

Applicant's arguments filed 3-2-07 have been fully considered but they are not persuasive.

With re to Rodriguezs' reaction times, these are encompassed by those of the instant claims in that a reaction time of 5 minutes (or 4 or 3 or 2) would have to be completed before reaching 15 minutes. Applicants claims also encompass 15 minute reaction time in that additional times are not excluded. A proper dependent claim (i.e. one containing all of the limitations of the base claims) would read the "process of claim 1 wherein after the melt kneading time of 5 minutes is completed an additional melt kneading of 10 minutes is conducted". A reaction time of 15 minutes is not a range in from which various values need to be selected. Rather it is impossible to conduct a reaction time of 15 minutes without also conducting one of 5 minutes first. Such is not the situation with a reaction temperature as in Great Lakes. Furthermore the issue in the instant claims is the scope of the claims, an issue not present in Great Lakes. As set out above applicants claims do encompass reaction times of 15 minutes or 30 minutes in that no event is recited by the instant claims after 5 minutes such as work up or termination of reaction. The scope of protection sought by applicants do not exclude addition reaction after the recited 5 minutes. Applicants argue unexpected results. However, improved adhesiveness is disclosed by the secondary reference to result from grafting polar groups and is not unexpected; the same can be said for applicants other results as set out at column 1, lines 45-60.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jeffrey C. Mullis M-F, 9-5 pm at telephone number 571 272 1075.

Jeffrey C. Mullis
J Mullis
Art Unit 1711

JCM

5-2-07

JEFFREY C. MULLIS
PRIMARY EXAMINER
GROUP 1200



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